House seeks more funds for Native Allotments

By Cecile Kay Richter
Tundra Times

The Resources Committee of the Alaska House of Representatives has unanimously endorsed passage of a resolution urging the U.S. Congress to increase funding to the Federal Bureau of Land Management (BLM) in order to expedite processing of Native allotment claims pending since before 1972.

The Committee action came Friday afternoon after testimony by the bill's prime sponsor, Rep. Adelheid Herrmann, D-Naknek, and by Bob Arnold, Deputy Commissioner of the Alaska Department of Natural Resources. Arnold previously was assistant to BLM's state director for conveyance management.

According to Herrmann, "The message I want to send to Congress is this: BLM has received inadequate financial support for the processing and surveying of claims, and it's time to get moving."

She said the resolution would tell Congress "this is a statewide priority and we wish it to be recognized as such by the federal government."

Herrmann explained that there are over 6,000 Native allotment claims statewide that require adjudication, which means that BLM must investigate whether the claim is valid and is properly described. At current rates of processing there is more than a 20-year backlog of cases, she said.

After a claim has been processed and before interest in the land is deeded, a site must be surveyed, Herrmann said. Her information is that there are approximately 14,-000 parcels which will have to be surveyed.

Such surveys in the past, made on a scattered basis, have cost $8-10,000 per parcel but this cost could be reduced with regional surveying, Herrmann said. Arnold Confirmed that these past cost estimates

Native allotments must be quickly resolved

were not out of line.

In his brief testimony, Arnold indicated that those adversely affected by BLM's processing delays include not only citizens who have applied for allotments but also Native Corporations and the state who cannot obtain patent to land until the allotment claims are resolved and Native allotments are surveyed.

"One way to attack the problem," Herrmann said, "is with more money — money for the processing of the claims and money for the surveys."

"That is what this resolution requests," she concluded.

Other original sponsors with Herrmann of the resolution are Representatives Albert Adams (D-Kotzebue), John Fuller (D-Nome), Peter Goll (D-Haines), Vernon Hurlbert (D-Sleetmute), Tony Vaska (D-Bethel), Fred Zharoff (D-Kodiak), Ben Grussendorf (D-Sitka) and Don Clocksin (D-Anchorage).

A strong bipartisan line-up is expected to insure quick and unanimous passage from the Alaska House of Representatives. From there the resolution will go to the Senate where additional public testimony is anticipated before floor consideration.

In a related matter, the Alaska Legal Services has announced that it is appealing to the U.S. Supreme Court two decisions of the Ninth Circuit Court of Appeals denying allotments in the Tongass National Forest in Southeast Alaska.

The Legal Services brief is expected to be filed with the Supreme Court by the end of April.

The suit, filed on behalf of Albert Shields, Jr., of Juneau, son of a deceased claimant, now involves 201 Native applicants seeking allotment of approximately 32,160 acres of land.

The U.S. Forest Service claims that this land is located in the 17 million acre Tongass National Forest.

The Forest Service does not deny that the allotment sought by Shields was continuously and extensively used by his father.

At issue is whether personal use and not ancestral use of the Tongass forest before its creation in 1902-1909 must be established of the original claimant.

The Forest Service says the application is not valid because personal use prior to the land being put into the forest was not shown.

The decision in this case will also affect Natives who have claimed allotments in the Chugach National Forest.

(Editor's note: In the next issue of Tundra Times, reporter Richter will take a close-up look at each segment of the resolution and the history behind it.)